

Remarks/Arguments

The Examiner is thanked for the careful review of the subject Application. Claims 1 and 3-20 are pending after entry of the present Amendment. Claim 2 has been cancelled. Amendments were made to the specification and claims to correct typographical errors and better define the claimed invention. The amendments do not introduce new matter.

Rejection under Judicially Created Doctrine of Obviousness-Type Double Patenting:

To expedite prosecution, the Applicant will consider submitting a terminal disclaimer to address the provisional rejection of claims 1 and 3-20 under judicially created doctrine of obviousness once the §§ 102 (b) and (e), and 103(a) rejections of claims have been withdrawn.

Rejections under 35 U.S.C. § 102:

The Office has rejected claims 1 and 3-5 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,873,769 to Chiou et al (Chiou); Claims 12, 16, and 20 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,579,157 to Gotkis et al. (Gotkis); and Claims 1-11 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,763,686 to Carpenter et al. (Carpenter).

The Applicant respectfully submits that Chiou fails to disclose each and every feature of the claimed invention, as defined in amended independent claim 1, for at least the following reasons. For instance, independent claim 1 has been amended so as to incorporate the features of the now cancelled dependent claim 2. As acknowledged by the Office, Chiou fails to disclose an array of thermal elements wherein each of the thermal elements of the array is connected to a controller. Additionally, Chiou fails to disclose a controller that is configured to manage the surface temperature of the processing surface.

Accordingly, independent claim 1 is respectfully submitted to be patentable under 35 U.S.C. § 102(b) over Chiou. In a like manner, respective dependent claims 3-5 which directly or indirectly depend from independent claim 1 are submitted to be patentable for at least the same reasons set forth above regarding the independent claim 1. As such, the anticipation rejection of claims 1 and 3-5 over Chiou should be withdrawn.

In the same manner, Gotkis fails to disclose each and every feature of the claimed invention, as defined in independent claims 12 and 16. Contrary to the Office's interpretation, the ironing disk 530 and the conditioning disk 522 of Gotkis fail to constitute an array of conditioning pucks. Rather, the ironing disk and the conditioning disk of Gotkis perform different functions. For instance, first, the conditioning disk is implemented to condition the linear polishing pad. Thereafter, the ironing disk is implemented to compress asperities formed as a result of conditioning the polishing pad. As such, in contrast to the Office's assertion, the ironing disk and conditioning disk of Gotkis do not constitute an array of conditioning disks, as defined in the claimed invention.

Thus, independent claims 12 and 16 are respectfully submitted to be patentable under 35 U.S.C. § 102(e) over Gotkis. In a like manner, dependent claim 20 which directly depends from independent claim 16 is submitted to be patentable for at least the same reasons set forth above regarding the independent claim 16. As such, the Applicant respectfully requests that the anticipation rejection of claims 12, 16, and 20 be withdrawn.

Carpenter, the next reference, also fails to disclose each and every feature of the claimed invention, as defined in amended independent claims 1 and 6. Specifically, independent claim 1 has been amended to recite a processing surface temperature controller that is defined in a chemical mechanical planarization (CMP) system. Furthermore, as amended, independent claim 6 recites applying thermal energy to a linear array of locations on a backside of a processing surface defined in a CMP system. Carpenter, however, does not disclose a chemical mechanical planarization system.

Therefore, independent claims 1 and 6 are respectfully submitted to be patentable under 35 U.S.C. § 102(e) over Carpenter. Likewise, respective dependent claims 3-5 and 7-11 which directly or indirectly depend from independent claims 1 and 6, correspondingly, are submitted to be patentable for at least the same reasons set forth above regarding the applicable independent claim. As such, the anticipation rejection of claims 1-11 over Carpenter should be withdrawn.

Rejections under 35 U.S.C. § 103(a):

Claims 13, 15, 17, and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gotkis in view of Carpenter. For at least the following reason, the

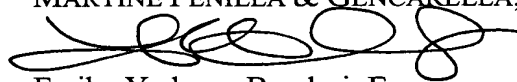
cited prior art fails to raise a prima facie case of obviousness against the subject matter defined in claims 13, 15, 17, and 18.

It is respectfully submitted that Gotkis and the subject application were, at the time the subject invention was made, subject to an obligation of assignment to the same person or organization, namely, Lam Research Corporation, as evidenced by the face of the United States Patent 6,579,157 to Gotkis. Accordingly, Gotkis does not qualify as prior art under 35 U.S.C. § 103. *See* MPEP § § 706.02(I) and 2146. Accordingly, the Applicant kindly requests that Gotkis be withdrawn as a reference.

Given that Gotkis does not qualify as a prior art under 35 U.S.C. § 103, the combination of Gotkis and Carpenter necessarily does not raise a prima facie case of obviousness against the claimed subject matter. As such, the Applicant respectfully request that the 35 U.S.C. § 103(a) rejection of claims 13, 15, 17, and 18 in view of the combination of Gotkis and Carpenter be withdrawn.

Accordingly, the Applicant respectfully submits that all the pending claims are in condition for allowance. As such, the Applicant respectfully requests examination on the merits of the subject application, and submit that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6913. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. LAM2P315A). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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